

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

QUINNELL JOHNSON,

Plaintiff,

v.

CASTILLO,

Defendant.

Case No. 1:22-cv-00637-BAM (PC)

ORDER GRANTING IN PART
DEFENDANT'S MOTION FOR
ADMINISTRATIVE RELIEF RE:
EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING

(ECF No. 15)

Responsive Pleading Due: December 9, 2022

Plaintiff Quinnell Johnson ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds against Defendant Castillo ("Defendant") for excessive force in violation of the Eighth Amendment.

Defendant has waived service of summons, and a response to the complaint is currently due on or before October 10, 2022. (ECF Nos. 10, 12, 13.)

Currently before the Court is Defendant's motion for administrative relief re: extension of time to file responsive pleading, filed October 3, 2022. (ECF No. 15.) Plaintiff has not had the opportunity to respond to the motion, but the Court finds a response unnecessary. The motion is deemed submitted. Local Rule 203(l).

In support of the motion, counsel for Defendant declares that the Correctional Law Section is currently understaffed due to attorney retirements, leaves of absence, transfers, and

1 resignations. (ECF No. 15.) Despite the recruitment and hiring of additional attorneys, the
2 enlistment of Deputy Attorneys General from other sections of the OAG, and Supervising Deputy
3 Attorneys General personally handling cases in addition to their supervisory duties, the current
4 Deputy Attorneys General handling Correctional Law Section cases will be unable to complete all
5 appropriate casework if additional cases are assigned to them. Defendant therefore requests a
6 ninety-day extension of time to respond to the operative complaint in this action, to allow the
7 Deputy Attorneys General handling existing Correctional Law Section cases to complete existing
8 assignments before turning to a new assignment in this case. (*Id.*)

9 The Court, having considered the request, finds good cause to grant, in part, the requested
10 extension of time. Fed. R. Civ. P. 6(b). The Court finds that an extension of sixty days, rather
11 than ninety, is appropriate under the circumstances. The Court further finds that Plaintiff will not
12 be prejudiced by the extension requested here. Should Defendant require additional time to
13 respond to the complaint, they may seek a further extension of this deadline, supported by good
14 cause.

15 Accordingly, it is HEREBY ORDERED as follows:

- 16 1. Defendant's motion for administrative relief re: extension of time to file responsive
17 pleading, (ECF No. 15), is GRANTED IN PART; and
- 18 2. Defendant Castillo shall file and serve a response to the complaint on or before **December**
19 **9, 2022.**

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21 IT IS SO ORDERED.

22 Dated: October 4, 2022

23 /s/ Barbara A. McAuliffe
24 UNITED STATES MAGISTRATE JUDGE
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